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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,067	01/25/2002	Charles R. Sperry	D-30259-01	3363
7590 12/14/2004 Scaled Air Corporation (US) P.O. Box 464 Duncan, SC 29334			EXAMINER SIMONE, CATHERINE A	
			ART UNIT 1772	PAPER NUMBER

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,067

Applicant(s)

SPERRY ET AL.

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/16/04 has been entered.

Withdrawn Rejections

2. The 35 U.S.C. 103 rejection of claims 1-10 and 33 over De Luca et al. in view of Hoover et al. of record in the Office Action mailed 6/16/04, Pages 2-4, Paragraph #3 has been withdrawn due to the Applicant's response filed 9/16/04.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-10 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over De Luca et al. (6,410,119) in view of Jostler et al. (5,733,045).

De Luca et al. discloses an inflatable web comprising two sheets (see col. 2, lines 47-51) having inner surfaces sealed to each other in a pattern defining a series of inflatable chambers (Fig. 2, #21) of predetermined length, each of the chambers (Fig. 2, #21) having at least one change in width over their length; an inflation port (Fig. 2, #41) located at a proximal end of each chamber, the inflation ports being formed by intermittent seals (Fig. 2, #43) between the sheets; and longitudinal flanges (see Figure shown below) formed by a portion of each of the sheets that extend beyond the inflation ports and intermittent seals. However, De Luca et al. fails to disclose the flanges having a pair of open, unsealed edges. Jostler et al. teaches that it is old and well-known in the analogous art to have longitudinal flanges having a pair of open, unsealed edges (Fig. 1a, #24a,b; also see col. 2, lines 39-45) for the purpose of filling the pockets (chambers) with some material in order to inflate them. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the longitudinal flanges in De Luca et al. to have a pair of open, unsealed edges as suggested by Jostler et al. in order to inflate the chambers to produce a packaging material.

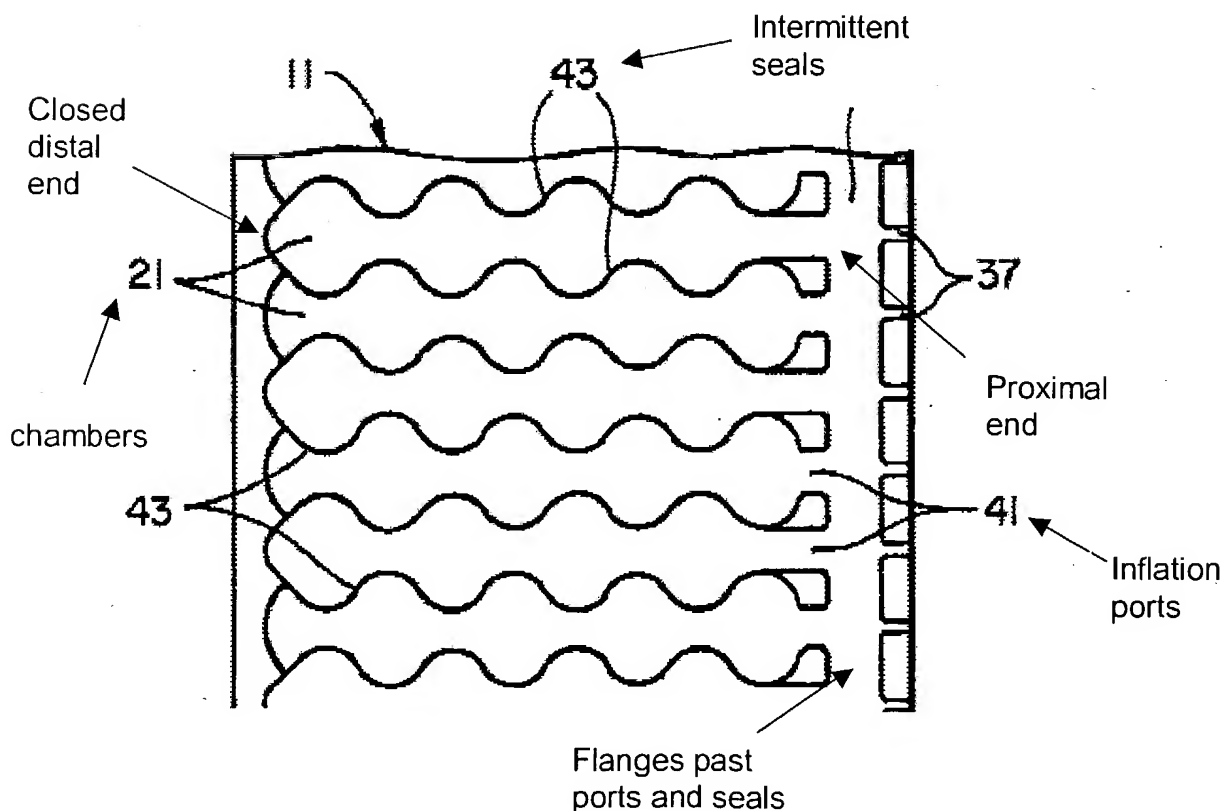
Regarding **claim 2**, note in De Luca et al. the chambers (Fig. 1, #23) comprise at least two inflatable sections of relatively large width connected by relatively narrow inflatable passageways (Fig. 1, #25). Regarding **claim 3**, note in De Luca et al. the inflation ports (Fig. 1, #41) are narrower in width than the inflatable sections of relatively large width (Fig. 1, #21). Regarding **claim 4**, note in De Luca et al. each of the sheets comprises a heat-sealable thermoplastic polymer on its inner surface (see col. 7, lines 3-5). Regarding **claim 5**, note in De Luca et al. the sections of relatively large width are circular (Fig. 1, #21) and capable of forming essentially spherical or hemispherical bubbles when inflated. Regarding **claim 6**, note in De

Art Unit: 1772

Luca et al. the pattern defining the inflatable chambers form uninflatable planar regions (Fig. 1, #43) between the inflatable chambers (Fig. 1, #21). Regarding **claim 7**, note in De Luca et al. the flanges inherently have a width of at least $\frac{1}{4}$ inch (see Figure shown below). Regarding **claim 8**, the flanges in De Luca et al. are substantially equal in width (see Figure shown below).

Regarding **claim 9**, note in De Luca et al. each of the inflatable chambers (Fig. 1, #21) has a closed distal end opposite from the proximal end of each chamber (see Figure shown below).

Regarding **claim 10**, note in De Luca et al. the inflation ports comprise inner surfaces that are heat sealable to one another (see col. 8, lines 65-67 and col. 9, lines 1-4). Regarding **claim 33**, note in De Luca et al. one or more lines of weakness (see col. 5, lines 26-28) that allow sections of the web to be removed.



Art Unit: 1772

Response to Arguments


5. Applicant's arguments with respect to claims 1-10 and 33 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Catherine Simone
Examiner
Art Unit 1772
December 9, 2004


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

12/10/04